

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

September 8, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:06KD-152

Kauai

Cancellation of Revocable Permit No. S-7309 to George B. Fernandes and Issuance of Revocable Permit to Michael J. Fernandes for Pasture Purposes; Wailua, Kawaihau, Kauai, Hawaii; TMK: (4) 4-1-9:08.

APPLICANT:

Michael J. Fernandes, married, as his separate property, whose mailing address is 411 Pua Road, Kapaa, HI 96746.

LEGAL REFERENCE:

Sections 171-13 and -55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government (Crown) lands of Wailua, situated at Wailua House Lots, Wailua, Kawaihau, Kauai, identified by Tax Map Key: (4) 4-1-9:08, as shown on the attached map labeled Exhibit A.

AREA:

11.746 acres, more or less.

ZONING:

State Land Use District: Urban
County of Kauai CZO: Open

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-7309 to George B. Fernandes for pasture purposes.

CHARACTER OF USE:

Pasture purposes.

COMMENCEMENT DATE:

Upon cancellation of Revocable Permit No. S-7309 and on the first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

\$18.00 per month. This rent was reconfirmed by the Board at its meeting of November 18, 2005 under agenda item D-17.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features involving negligible or no expansion or change of use beyond that previously existing."

DCCA VERIFICATION:

Not applicable as individuals are not required to register with the DCCA.

REMARKS:

At its meeting of January 28, 2000, under agenda item D-9 the Board consented to Revocable Permit No. S-7309 issued to George B. Fernandes for pasture purposes. Land was previously encumbered by twenty (20) year General Lease No. S-5117 to George B. Fernandes for pasture purpose, which expired on February 24, 2001.

By letter dated August 3, 2006, Mr. George B. Fernandes expressed his desire to continue his ranching operation, but because of his age (88 years old) is requesting that his Revocable Permit be transferred to his son and partner, Michael J. Fernandes. (Exhibit B)

Michael J. Fernandes is a current lessee under General Leases S-5580 and S-5582, for pasture purposes. The applicant has not had a lease, permit, easement or other disposition of State lands terminated

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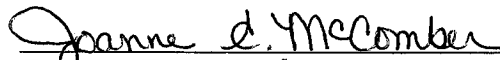
within the last five years due to non-compliance with such terms and conditions.

Staff did not solicit comments from other agencies on the subject request as this is an extension of the existing use with no break in occupancy.

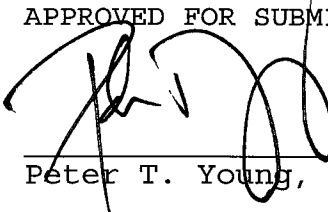
RECOMMENDATION: That the Board:

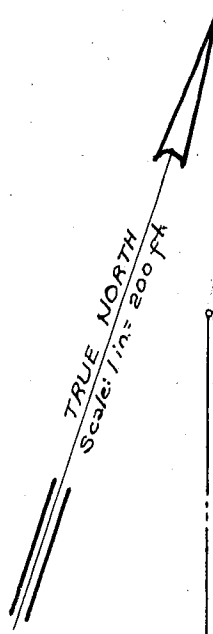
1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the cancellation of Revocable Permit No. S-7309 to George B. Fernandes and issuance of month-to-month Revocable Permit to Michael J. Fernandes covering the subject area for pasture purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


Joanne E. McComber

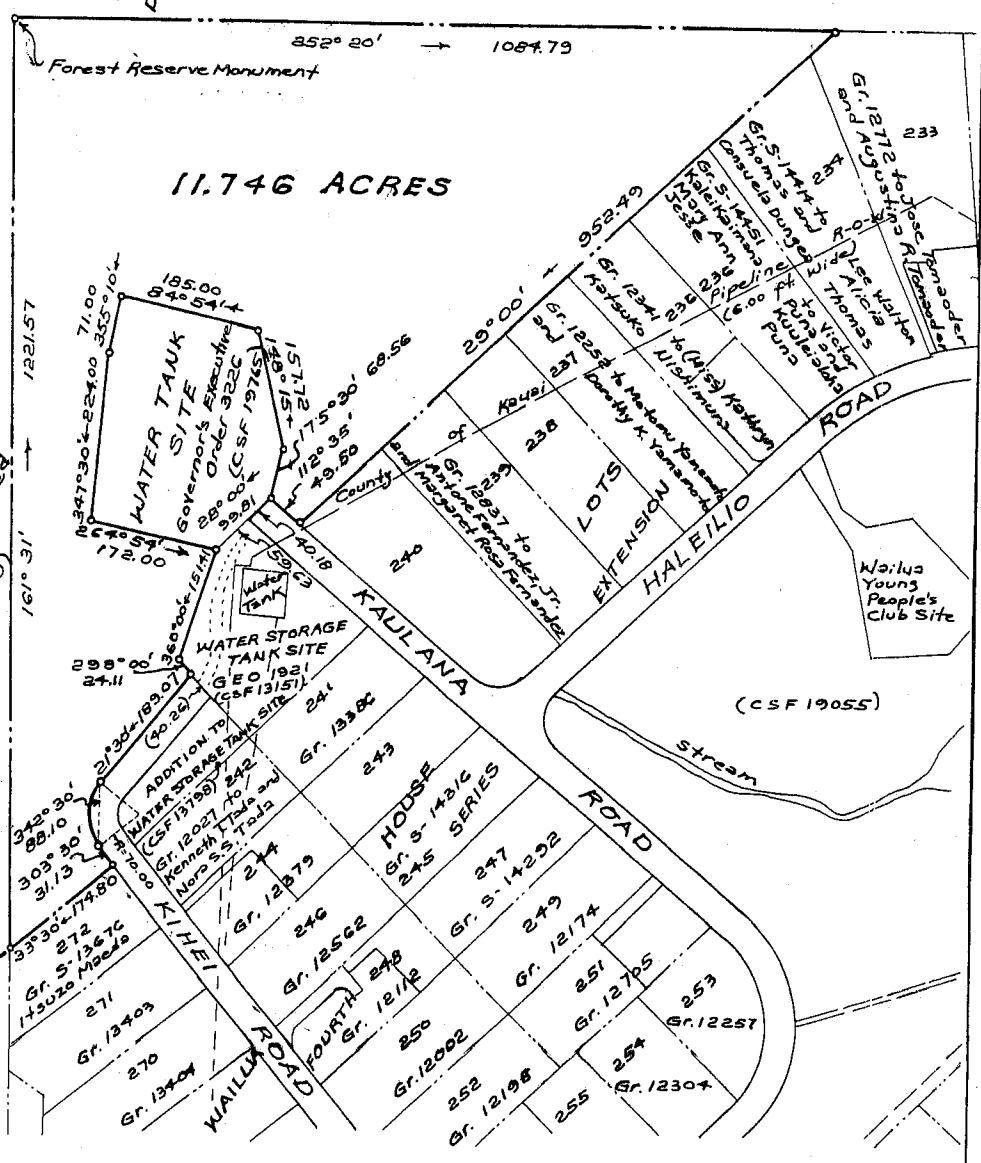
APPROVED FOR SUBMITTAL:


Peter T. Young, Chairperson



RESERVE
Dec. 31, 1918

NONOU
Governor's
Proclamation dated
(CSF 2870)



PORTION OF THE GOVERNMENT (CROWN) LAND OF WAILUA
Situate between Nonou Forest Reserve and Wailua House Lots
Fourth Series Extension
Wailua, Kawaihau (Puna), Kauai, Hawaii
Scale: 1 inch = 200 feet

JOB K-285(84)
C. BK 11, Pg. 119 - S. Nakamura

TAX MAP 4-1-9:8	SURVEY DIVISION DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES STATE OF HAWAII	STU Jan. 4, 1985
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"Exhibit A"

RP-7309

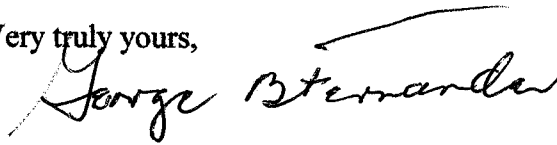
August 3, 2006

TO: Joann McCumber DNLR Land Agent
FROM: George B Fernandes & Sons
SUBJECT: Transfer of RP 5117 TMK 4-1-9:8 to Michael J Fernandes & Sons

Aloha Joann

My son Mike has been a partner in our ranching operation since 1970. I am approaching the age of eighty eight and my health is not as sharp as it use to be. I have transferred all five other leases, two which where state DNLR to Mike . I therefore request that you approve this transfer of RP 5117 TMK 4-1-9: 8 to my son.. Also the lease in question has a easement that also has to be transfered, I believe Mike applied for the that easement last year. I can be reached at 822-4354 your prompt attention to this matter will be greatly appreciated.

Very truly yours,



George B Fernandes

8/9/06 - called Mike Fernandes to
clarify correct RP number S-7309
and that new RP should be
issued to Michael J. Fernandes
(No " & Sons"). JM

AM11:18:13

AUG 4 '06

DLNR KDLD RCVD

"Exhibit B"